

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHNNY DOWNS

Plaintiff,

-v.-

Civil Action No.
9:10-cv-1029 (GLS/TWD)

DR. GILANI, MS. THOMAS,
DR. LEE

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JOHNNY DOWNS
Plaintiff, *pro se*
320 New Scotland Avenue
Albany, New York

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
Attorney General for the
State of New York
The Capitol
Albany, New York 12224

RICHARD LOMBARDO, ESQ.

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation by Magistrate Judge Therese Wiley Dancks, duly filed

March 8, 2012. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Therese Wiley Dancks filed March 8, 2012 is **ACCEPTED** in its entirety for the reasons state therein, and it is further

ORDERED that Defendants' motion to dismiss (Dkt. No. 31) is **DENIED**, and it is further

ORDERED, that the Clerk of the Court is to serve a copy of this order upon the parties in accordance with the court's local rules.

IT IS SO ORDERED

Dated: April 2, 2012
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court